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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/592,087	06/12/2000	Tariq Khalidi	10015-pa	4895

37095 7590 02/09/2007
BERNHARD KRETEN
WEINTRAUB GENSHEA CHEDIAK SPROULE
400 CAPITOL MALL, 11TH FLOOR
SACRAMENTO, CA 95814

EXAMINER

PATEL, JAGDISH

ART UNIT PAPER NUMBER

3693

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 09/592,087	Applicant(s) KHALIDI, TARIQ	
	Examiner JAGDISH PATEL	Art Unit 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-7, 12 and 16-19 is/are pending in the application.
- 4a) Of the above claim(s) 9-11 and 20-36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 9-11 and 20-36 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Claims 12 and 16-19 have been cancelled. Claims 5-7 are currently pending.
2. The pending claims 5-7 have been rejected on new grounds of rejection after further consideration and search.

Claim Rejections - 35 USC § 103

3. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wares (US 2001/0044768, Priority Jan 28, 2000 and further in view of Gindlesperger (US 6397197).

As per claims 5-7 Wares teaches a process for competitive bidding comprising:

downloading into a computer a request for goods and/or services, said request defining a bid package;

(para [0004] step c) bid documents and para [0005] “computerized database for specifications and [0006] “bidding process management” , [0035] “bid package” and [0038] “available bid packages”)

sequestering said bid package into a plurality of modules, wherein a module constitutes a portion of said bid package;

([0060] General Contractors 3 (GC) subcontract portions of the work in the bid package to subcontractors 4 who are specialty contractors doing the actual work)

further sequestering the plurality of modules into in-house and at least one outsourced module, whereby an in-house module receives an in-house bid;

([0039] inherent because certain portions of the project are not sub-contracted. A bid is separately prepared separately for these portions)

searching for potential suppliers for the at least one outsourced module;

([0039] data gathering process of qualifying firms..)

receiving said at least one outsourced bid, including competitive and non-competitive bids for competitive and non-competitive outsourced modules;

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preparing a bid from the combining of said in-house bid and all said outsourced bids, wherein each said in-house and outsourced bid has a monetary component and a non-monetary component, and each said in-house and outsourced bid is represented by a numerical value;

presenting the bid as well as any additive alternatives or deductive alternatives;

reporting the bid in a plurality of formats; and

transmitting the bid to a sequential buyer.

(Wares para [0004], general contractor an all inclusive bid [0060], refer to bid information flow. It is asserted that the aforementioned processes are required and inherent in Wares)

Wares fails to teach explicitly, however, Gindlesperger, in the same filed of endeavor teaches prequalifying the potential suppliers by a plurality of factors that generate a statistical weight to each potential supplier; and

selecting a set of prequalified potential suppliers based on the statistical weight attached to each potential supplier; and

distributing the at least one (outsourced) modules to each prequalified potential supplier with the set for at least one outsourced bid;

(Fig. 1 and col.6 L 20 - col.7 L 22, vendor capability

attributes and selection of the prequalified suppliers and distributed the bid request to qualified suppliers);

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Wares in view of Gindlesperger by selecting a set of prequalified potential suppliers by generating statistical weight per explicit teaching of Gindlesperger because this would allow prequalification of bidders who are most likely to provide competitive bids and likely to provide successful bids. Furthermore, this would allow bidding process would be more focused to the project requirements.

Wares or Gindlesperger fail to explicitly teach sequestering the at least one outsourced modules into competitive and non-competitive modules;

releasing the competitive modules for competitive bids;

retaining the non-competitive modules for non-competitive bids.

However, official notice is taken that sequestering portions of an RFP into competitive module(s) for competitive bid and non-competitive module(s) for non-competitive bid is old and well known in the art of project management.

It would have been obvious to one of ordinary skill in the art to formulate the bid according to the foregoing process because it would allow the bidder to have a better control in preparation of the final (outsourced) bid as is well known in the art.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAGDISH PATEL whose telephone number is (571) 272-6748. The examiner can normally be reached on 800AM-630PM Mon-Tue and Thu.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KRAMER JAMES A can be reached on (571)272-6783. The fax phone number for the organization where this application or proceeding is assigned is 517-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jagdish N. Patel

(Primary Examiner, AU 3693)

2/5/07